

Message Text

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C O N F I D E N T I A L SANTIAGO 2936

E. O. 11652: GDS

TAGS: SHUM, PINS, CI

SUBJECT: CHILEAN GOVERNMENT DECLARES BROAD AMNESTY

REF: SANTIAGO 2853

1. SUMMARY: THE CHILEAN GOVERNMENT APRIL 18 DECREED A SWEEPING AMNESTY INCLUDING ALL THOSE CONVICTED BY MILITARY COURTS SINCE SEPTEMBER 11, 1973, AND THOSE WHO LEFT CHILE IRREGULARLY.

SPECIFICALLY EXCLUDED FROM THE AMNESTY ARE ANY PROVEN TO BE INVOLVED IN THE LETELIER-RELATED MILITARY INVESTIGATION INTO THE POSSIBLE ABUSE OF CHILEAN OFFICIAL PASSPORTS. A NUMBER OF FUZZY POINTS REMAIN, PERHAPS TO BE CLARIFIED BY INTER OF MINISTER FERNANDEZ WHO WILL ADDRESS THE COUNTRY NIGHT OF APRIL 19.

ALTHOUGH CHILEANS SERVING COMMUTED SENTENCES IN EXILE ARE PARDONED AND NO CRIMINAL CHARGES WILL BE BROUGHT AGAINST THOSE WHO LEFT CHILE IRREGULARLY, THE GOC RETAINS DISCRETIONARY AUTHORITY TO PERMIT RE-ENTRY AS PROVIDED BY DECREE LAW 81. PRINCIPAL BENEFICIARIES ARE THOSE CONVICTED OF NATIONAL SECURITY CRIMES AND THOSE WHO FLED OR WENT UNDERGROUND FOR POLITICAL REASONS, BUT MILITARY PERSONNEL CONVICTED OF PRISONER MISTREATMENT WOULD ALSO APPEAR TO HAVE RECEIVED PARDONS. OUR PRELIMINARY READING IS THAT THOUSANDS STAND TO BENEFIT AND THAT THE MEASURE FAR EXCEEDS THE MORE LIMITED PARDONS

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REPORTED IN REFTEL. END SUMMARY.

2. DECREE LAW 2191 DATED APRIL 18 APPEARED WITHOUT PRIOR NOTICE IN THE OFFICIAL GAZETTE APRIL 19. IT IS SIGNED BY ALL FOUR JUNTA MEMBERS AND THE MINISTERS OF JUSTICE AND INTERIOR. ITS INTRODUCTORY PARAGRAPHS BASE THE AMNESTY ON CURRENT TRANQUILITY AND THE "MORAL IMPERATIVE" TO FORGIVE AND FORGET IN ORDER TO UNIFY THE CHILEAN

PEOPLW.

3. THE FIRST OPERATIVE PARAGRAPH EXTENDS THE AMNESTY TO ALL THOSE INVOLVED IN ILLEGAL ACTIVITY DURING THE STATE OF SIEGE (9/11/73-3/10/78) EXCEPT THOSE CURRENTLY AT TRIAL OR SERVING SENTENCES. A SUBSEQUENT ARTICLE (THE THIRD) ALSO EXCLUDES FROM THE AMNESTY A WIDE RANGE OF COMMON CRIMES RANGING FROM HOMICIDE AND RAPE TO DRUNK DRIVING AND ECONOMIC AND TAX EVASION CRIMES.

4. ARTICLE TWO EXTENDS A BLANKET PARDON TO THOSE CONVICTED BY MILITARY COURTS SINCE THE COUP. ARTICLE FOUR SPECIFICALLY EXCLUDES PERSONS INVOLVED IN CASE NO. 192-78 (THE ROMERAL/WILLIAMS PASSPORT INVESTIGATION). THE FINAL ARTICLE NOTES THAT CHILEANS FAVORED BY THE AMNESTY AND LIVING ABROAD MUST COMPLY WITH DL 81 (GIVING THE GOC DISCRETIONARY AUTHORITY TO AUTHORIZE RETURN ON A CASE-BY-CASE BASIS).

5. COMMENT: AS REPORTED REFTTEL, ICEM HAD HOPED AT MOST FOR A MUCH MORE LIMITED AMNESTY COVERING SEVERAL HUNDRED PEOPLE CONVICTED BY MILITARY COURTS BUT EITHER SOON TO COMPLETE THEIR SENTENCES OR OUT OF DETENTION ON PAROLE. D.L. 2191 PARDONS NOT JUST THIS GROUP BUT ALSO THOSE 109 PEOPLE THE ICEM WAS PREPARING TO RESETTLE ABROAD. IN ADDITION, THE THOUSANDS SERVING COMMUTED SENTENCES AND MANY THOUSANDS MORE WHO FLED FROM EMBASSY ASYLUM OR OTHERWISE ILLEGALLY FROM CHILE APPEAR TO HAVE BEEN PARDONED. WE EXPECT, ON THE BASIS OF THE JAIME CASTILLO CASE, THAT THE GOC

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WILL INTERPRET THE PROVISIONS OF D.L. 81 FAIRLY LIBERALLY SO AS TO AUTHORIZE THE RETURN OF THE VAST MAJORITY OF EXILES.

6. WE NOTE IN PASSING THAT THE AMNESTY WOULD ALSO APPEAR TO COVER THOSE MILITARY CONVICTED OF MISTREATING PRISONERS, ETC. ALTHOUGH NEVER NAMED, WE WERE TOLD SOME YEARS AGO THAT AT LEAST 42 PERSONNEL HAD BEEN SANCTIONED AND OTHER CONVICTIONS PRESUMABLY OCCURRED SUBSEQUENTLY.

7. PINOCHET HAS DEMONSTRATED ONCE AGAIN HIS DETERMINATION TO REGAIN THE INITIATIVE. THE AMNESTY IS AN ORIGINAL AND CREATIVE STEP AND A SIGNIFICANT MEASURE TO RESTORE NORMALITY TO CHILE. LANDAU

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